



September 3, 2019

US Environmental Protection Agency
Region 3
1650 Arch St.
Philadelphia, PA 19103

Sent Via Online Form

RE: Freedom of Information Act ("FOIA") Request for Records of the US Environmental Protection Agency concerning the "Bishop Tube Site" from January 1, 2005 to September 3, 2019.

Dear Sir/Madam:

On behalf of the Delaware Riverkeeper Network (DRN), and pursuant to the Freedom of Information Act ("FOIA"), enclosed please find a request for copies of all records in the EPA's possession regarding the Bishop Tube Site located at 1 Malin Road, Malvern, PA from January 1, 2005 to September 3, 2019, including all correspondence, reports, studies, documents, internal and external communications, and emails between the Department of Environmental Protection and the Environmental Protection Agency, and specifically relating to a complaint sent by resident "John Preston" to the EPA regarding the Bishop Tube Site, including all documents, internal and external communications and emails between the concerned resident, the Department of Environmental Protection, and the Environmental Protection Agency. This request includes all attachments mentioned in any documents.

If other records exist in your possession not specifically mentioned above, but pertain to this request, we intend those to be within the scope of this request.

I also request a waiver of any fees associated with a response to this request. Pursuant to 5 U.S.C. 552(a)(4)(A)(iii) of FOIA, documents obtained in the interest of the public fall under the fee waiver category because furnishing these documents is likely to contribute significantly to public understanding of the operations or activities of the Agency. The Delaware Riverkeeper Network ("DRN") is a nonprofit organization that speaks on behalf of the public and will use the records in a way that serves the public interest.

DRN champions the rights of people to a clean and healthy environment, which includes the land

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use, water pollution and the long-term damage caused by all forms of coastal and shoreline development. DRN gives voice, strength, and protection to the communities and waterways of the State of Pennsylvania, New Jersey, New York and Delaware. Through independent advocacy, and the use of accurate facts, science, and law, DRN works to ensure the rich and healthy future that can only exist with a clean, healthy, and free-flowing river system.

DRN is unique in that it is founded upon the expectation of personal and community responsibility for river protection, as personified by the Delaware Riverkeeper. DRN is the only grassroots advocacy organization that operates watershed-wide and empowers communities with the engaged interaction and information needed to succeed in protecting rivers (which includes all of the land that drains into the rivers) and the environment now and into the future.

DRN is a 501(c)(3) non-profit public interest organization and has no commercial interest in the disclosure of the requested information or in the Project. DRN does not seek the requested information to further any commercial, trade, or profit interest of the organization. Therefore, DRN has met the statutory and regulatory standards as having a non-commercial interest in the requested records.


For the foregoing reasons, DRN has satisfied the statutory and regulatory requirements for receiving a fee waiver under 5 U.S.C. §552(a)(4)(A)(iii) and 49 CFR §7.43. DRN is thus entitled to the full grant of such waiver for its FOIA request pertaining to the Bishop Tube Site.

If my fee request is denied, I request that you contact me to discuss the costs for searching or copying the records before you fulfill my request.

If you deny all or any part of this request, please provide a listing of the information in the file and cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. If you have any questions about handling this request, you may contact me at (215) 369-1188, or Molly Atz at molly@delawareriverkeeper.org.

Thank you in advance for your cooperation with this request.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper